

Item # \_\_\_\_\_

Prepared by Brian L. Kuhn

Approved by Brian L. Kuhn  
County Attorney

**RESOLUTION AUTHORIZING FILING A PETITION TO THE TENNESSEE  
SUPREME COURT FOR PERMISSION TO APPEAL THE DECISION OF  
THE COURT OF APPEALS OF TENNESSEE AT NASHVILLE IN THE  
CASE OF CURTIS S. PERSON VS. THE BOARD OF COMMISSIONERS OF  
SHELBY COUNTY, TENNESSEE, ET AL.  
SPONSORED BY COMMISSIONER SIDNEY CHISM.**

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**WHEREAS**, The Honorable Curtis S. Person, Judge of the Juvenile Court of Memphis and Shelby County, Tennessee filed a lawsuit against the Board of Commissioners of Shelby County, Tennessee in Chancery Court No. CH-06-2237-3 regarding the County Commission's authority to appoint a second judge to that court; and

**WHEREAS**, After the Chancery Court ruled in favor of the Board of County Commissioners the case was appealed to the Court of Appeals of Tennessee by Judge Person and was transferred to the Middle Division; and

**WHEREAS**, The Middle Division of the Court of Appeals of Tennessee at Nashville filed its Opinion on September 28, 2009 reversing the trial court's holding regarding the authority of the County Commission to appoint a judge to the second division of the Memphis and Shelby County Juvenile Court; and

**WHEREAS**, After consulting with its legal counsel, Mr. Leo Bearman, Jr., this Commission feels that it is proper and necessary to authorize their attorney to file a petition with the Supreme Court of Tennessee requesting permission to appeal the decision of the Middle Division of the Court of Appeals.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, That their attorney is hereby authorized to file a petition with the Tennessee Supreme Court requesting permission to appeal the decision handed down by the Court of Appeals of Tennessee at Nashville on September 28, 2009 in the case of Curtis S. Person vs. The Board of Commissioners of Shelby County, Tennessee, et al. No. W2007-01346-COA-R3-CV.

**BE IT FURTHER RESOLVED**, That if the Tennessee Supreme Court grants the Petition to Appeal then the attorney for the Board of County Commissioners is hereby authorized to file any and all pleadings necessary to perfect the appeal and to argue the case before the Tennessee Supreme Court.

**BE IT FURTHER RESOLVED,** That this resolution shall become effective in accordance with the Shelby County Charter, Article II, Section 2.06(B)

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A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_